



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/750,138
		Filing Date	December 31, 2003
		First Named Inventor	David Gschneidner et al.
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	1	Attorney Docket Number	01946/100G527-US2

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  Return Receipt Postcard; Certificate of Express Mailing; An Abstract; and Exhibits A-C
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Jason C. Chumney		
Date	November 3, 2004	Reg. No.	54,781

Express Mail Label No. \_\_\_\_\_ Dated: \_\_\_\_\_



Application No. (if known): 10/750,138

Attorney Docket No.: 01946/100G527-US2

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 367700161WS, in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on November 3, 2004  
Date

A. Stantini

Signature

A. Stantini  
Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Transmittal Form (1 page);  
Reply to Incomplete Application (2 pages);  
Abstract (1 page);  
Copy of Notice of Incomplete Reply (1 page)  
Exhibits A-C; and  
Return Postcard.

Atty Docket No.: 01946/100G527-US2

Inventor: David Gschneidner et al.

Appn: 10/750,138 Filed: Dec. 31, 2003

Title: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

RECEIVED  
Documents:

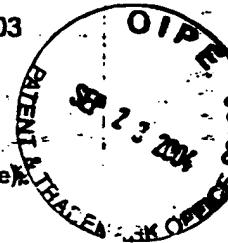
Certificate of Express Mailing Under 37 C.F.R. §1.10 (1 page);  
Transmittal Form (1 page);  
Fee Transmittal (1 page);  
Petition for Extension of Time Under 37 C.F.R. §1.136 (a) (1 page);  
Response to File Corrected Application Papers (1 page);  
Abstract (1 page); and  
Per 2 Copy of Notice (1 page).

Check For \$750 6206  
DA

Via: Express Mail: Airbill No. CV367698065-US

Sender Initials: JCC/pac Date: September 23, 2004

DJP





## UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 03 2004

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,138	12/31/2003	David Gschneidner	01946/100G527-US2

07278  
 DARBY & DARBY P.C.  
 P. O. BOX 5257  
 NEW YORK, NY 10150-5257

**CONFIRMATION NO. 9762**  
**FORMALITIES LETTER**



\*OC000000014059672\*

Date Mailed: 10/12/2004

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)***Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 09/23/2004 to the Notice to File Missing Parts (Notice) mailed 05/05/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

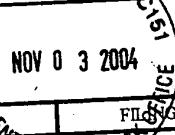
Customer Service Center

Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 03 2004



APPLICATION NUMBER 10/750,138	FILED OR 371 (c) DATE 12/31/2003	FIRST NAMED APPLICANT David Gschneidner	ATTORNEY DOCKET NUMBER 01946/100G527-US2
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CONFIRMATION NO. 9762

## FORMALITIES LETTER



\*OC00000012536333\*

07278  
 DARBY & DARBY P.C.  
 P. O. BOX 5257  
 NEW YORK, NY 10150-5257

Date Mailed: 05/05/2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

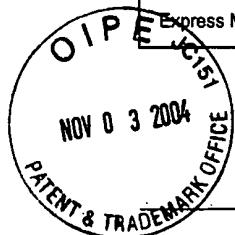
The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE



Express Mail Label No.

Dated: \_\_\_\_\_

Docket No.: 01946/100G527-US2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Gschneidner et al.

Application No.: 10/750,138

Confirmation No.: 9762

Filed: December 31, 2003

Art Unit: 1616

For: **COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS**

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

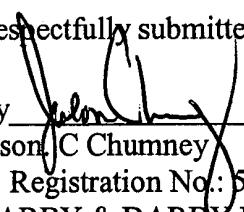
Dear Sir:

In response to the Notice to File Corrected Application Papers mailed May 5, 2004,  
Applicants respectfully submit an Abstract of the disclosure and a copy of the Notice.

The Commissioner is requested to charge extension fees to Deposit Account No. 04-0100.

Dated: September 23, 2004

Respectfully submitted,

By   
Jason C Chumney

Registration No.: 54,781  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicant



1108104

IPW

Docket No: 01946/100G527-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Gschneidner et al.

Serial No.: 10/750,138 Confirmation No.: 9762

Filed: December 31, 2003 Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

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RESPONSE TO NOTICE OF INCOMPLETE REPLY

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Notice of Incomplete Reply mailed October 12, 2004 states that Applicants reply of September 23, 2004 did not include an abstract. Applicants respectfully submit that an abstract was submitted with their September 23, 2004 reply. In support thereof, Applicants submit herewith:

- (a) copies of correspondence filed with the Patent Office on September 23, 2004, which includes an abstract, and a copy of a return postcard and Certificate of Express Mailing which references said abstract (Exhibit A);
- (b) a declaration by Dwight Peck explaining docketing procedures at Darby & Darby P.C. (Exhibit B);

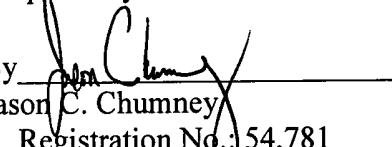
(c) a copy of the postcard returned from the Patent and Trademark Office dated September 23, 2004 (Exhibit C).

In view of the above, Applicants respectfully submit that their reply of September 23, 2004 was complete, and that the current Notice issued as a result of a PTO error. Therefore, Applicants do not believe that any fee is required with this submission.

Applicants include herewith a copy of the Abstract originally filed on September 23, 2004.

Applicants authorize the PTO to charge Deposit Account 04-0100 for any fees deemed necessary for this submission. Nevertheless, Applicants will petition for a refund of any fees charged to this deposit account in connection with this reply.

Dated: November 3, 2004

Respectfully submitted,  
By   
Jason C. Chumney  
Registration No.: 54,781  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicant



Atty Docket No.: 01946/100G527-US2

Inventor: David Gschneidner et al.

Appn: 10/750,138 Filed: Dec. 31, 2003

Title: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

Documents:

Certificate of Express Mailing Under 37 C.F.R. §1.10 (1 page);  
Transmittal Form (1 page);  
Fee Transmittal (1 page);  
Petition for Extension of Time Under 37 C.F.R. §1.136 (a) (1 page);  
Response to File Corrected Application Papers (1 page);  
Abstract (1 page); and  
Part 2 Copy of Notice (1 page).

check for \$950 6206

Via: Express Mail: Airbill No.

Sender Initials: JCC/pac Date: September 23, 2004

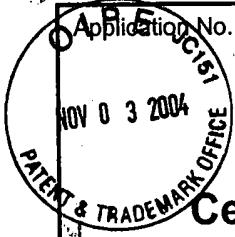
CV367698065-US

D3P

6206  
1-8-210

DARBY & DARBY, P.C. PATENT OFFICE ACCOUNT 805 THIRD AVENUE NEW YORK, NY 10022		DATE <u>9-23-04</u>
PAY TO THE ORDER OF	COMMISSIONER OF PATENTS & TRADEMARKS	\$ <u>950.00</u>
<u>Nine Hundred &amp; fifty</u>		DOLLARS <u>950.00</u>
citibank® CITIBANK, N.A. BR.#852 153 EAST 53RD STREET NEW YORK, NY 10043 The Citigroup Private Bank MEMO <u>950,138/100G527-US2</u> <u>Gabriella V. Kacogi</u> <u>+10210000841 433480746 6206</u>		

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MP Security Features  
Dollars and Cents on Back.



Application No. (if known): 10/750,138

Attorney Docket No.: 01946/100G527-US2

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EV367698065-US

MS Missing Parts  
Commissioner for Patents  
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on September 23, 2004  
Date

Signature

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form (1 page);

Fee Transmittal (1 page);

Petition for Extension of Time Under 37 C.F.R. §1.136(a) (1 page);

Response to File Corrected Application Papers (1 page);

Abstract (1 page);

Part 2 Copy of Notice (1 page); and

Return Receipt Postcard. *check for \$950*



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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

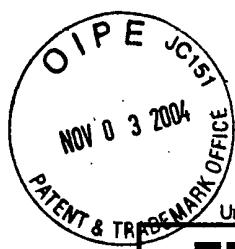
		Application Number	10/750,138
		Filing Date	December 31, 2003
		First Named Inventor	David Gschneidner, et al.
		Art Unit	1616
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	7	Attorney Docket Number	01946/100G527-US2

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Express Mailing
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DARBY & DARBY P.C. Jason C. Chumney, 54,781
Signature	
Date	September 23, 2004



PTO/SB/17 (10-03)

Approved for use through 7/31/2008. OMB 0651-0032  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)  
950.00

## Complete If Known

Application Number	10/750,138
Filing Date	December 31, 2003
First Named Inventor	David Gschneidner, et al.
Examiner Name	Not Yet Assigned
Art Unit	1616
Attorney Docket No.	01946/100G527-US2

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
04-0100

Deposit Account Name  
Darby & Darby P.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	950.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 950.00

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Jason C. Churney	Registration No. (Attorney/Agent)	54,781	Telephone	(212) 527-7700
Signature			Date	September 23, 2004	

Express Mail Label No.

Dated: \_\_\_\_\_